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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDREW THOMAS ENRIQUEZ,

Defendant and Appellant.

2d Crim. No. B207170
(Super. Ct. No. 2007026138)
(Ventura County)

Andrew Thomas Enriquez appeals the judgment after he pled guilty to making a criminal threat (Pen. Code,¹ § 422) and transporting methamphetamine (Health & Saf. Code, § 11379, subd. (a)). He also admitted serving two prior prison terms (§ 667.5, subd. (b)). He was sentenced to five years state prison, consisting of the midterm of three years on the transportation count plus a consecutive two years for each of the prison priors. Enriquez filed a timely notice of appeal and requested a certificate of probable cause on the ground of ineffective assistance of counsel, which was granted.

In accordance with the plea agreement, the facts are derived from the preliminary hearing transcript and the probation officer's report. On April 28, 2007, Enriquez swung his arms up and down and told his wife Kimberly he was going to "crack

¹ All further undesigned statutory references are to the Penal Code.

her face open." Kimberly believed the threat because he had hit her in the face several times before.

On May 25, 2007, a Ventura Police Department detective effected a traffic stop of a truck in which Enriquez was a passenger after recognizing him as the subject of an outstanding arrest warrant. In searching the truck incident to Enriquez's arrest, the detective found five small baggies of methamphetamine on the floor next to the passenger seat. Enriquez subsequently admitted he had attempted to hide the baggies in his mouth shortly before his arrest.

We appointed counsel to represent Enriquez on appeal. After examining the record, counsel filed an opening brief in this court raising no issues and requesting that we independently examine the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

On September 15, 2008, we advised Enriquez that he had 30 days in which to submit a written brief or letter stating any contentions or arguments he wished us to consider. We received no response.

We have reviewed the record and are satisfied that Enriquez's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

Glen Reiser, Judge

Superior Court County of Ventura

California Appellate Project, Jonathan B. Steiner, Executive Director, and
Richard B. Lennon, Staff Attorney, for Appellant.

No appearance for Respondent.